

## **DETAILED ACTION**

### ***Drawings***

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed 1/14/10 have been disapproved because they introduce new matter into the drawings. 37 CFR 1.121 (a) (6) states that not amendment may introduce new matter into the disclosure of the application. The original disclosure does not support the showing of the location of thread connection and the structure of the thread connection as fig. 1A; the location and structure of elements 5 and 6 as fig. 1B; the location of structure of elements as in fig. 3a; and the three support lines as the element 3 as in fig. 3.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the holder inserted in a support of the housing (claim 2), the screw connection (claim 3), the groove and bead connection (claim 8), the bead (claim 12), the circular configuration (claim 14), the reinforced elements (claim 18) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The amendment filed 1/14/10 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure as introducing new figs. 1A, 1B and 3A, in which the locations and structures of the elements in the new figures are not supported by the original disclosure..

Applicant is required to cancel the new matter in the reply to this Office Action.

4. The disclosure is objected to because of the following informalities: it does not indicate where is inserted in the specification the inserted paragraphs of the Amendments to the Specification filed 1/14/10.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 2, "the reservoir holder is inserted in a support of the housing" is not supported in the specification"

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-25, 27-31, 33 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is confusing whether reservoir holder is a separate holder in the housing to hold the reservoir or a reservoir itself by the claimed language "as to form the reservoir holder a holder formed by a collar-like clamping holder or in form of a constricted shoulder area with an angled setting surface". What is required by "a constricted shoulder area with an angled setting surface"? What is meant by "the force

exerted by the reservoir holder"? Where is "the force" come from? And it cannot be determined what is "the center of gravity".

In claim 4, "the holder is formed by a constricted shoulder area with an angled setting surface" has been in claim 1. It is double inclusion. And it is more confusing what is required between "the holder" and "a holder for the storage container support surfaces approaching in the lower direction".

In claims 31, 33 and 34, the claims comprise elements have been in claims 1, 2 and 4. They are double inclusions.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-25, 27-31, 33 and 34 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hogan (4,690,307). As best understood, Hogan discloses, in figs 3 A & B, a metering dispenser comprising a housing 16; a dispensing unit 44; a holder 116 formed by a collar-like clamping holder or in form of a constricted shoulder area with angle angled setting surface; and a metering unit 22.

11. Claims 1-25, 27-31, 33 and 34 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Fender (5,105,992)). As best understood, Fender et al. discloses, in fig. 2, a metering

dispenser comprising a housing 14; a dispensing unit 21; a holder 26, 39 formed by a collar-like clamping holder 26 or in form of a constricted shoulder area 39 with angle angled setting surface; and a metering unit 28.

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-25, 27-31, 33 and 34 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-

4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KEVIN SHAVER can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LIEN TM NGO/  
Primary Examiner, Art Unit 3754

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